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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 1, 2005**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 1, 2005

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jim Guyer, pastor of the Cedar Heights Presbyterian Church in Cedar Falls, Iowa. He was the guest of Senator Danielson.

### SPECIAL GUESTS

Senator Boettger welcomed the following nine visitors from Malaysia: Juhar bin Mahiruddin, Datuk James Andrew Viales, Zakaria Bin Mohd Edris, Philip Benedict Lasimbang, Metah bin Asang, Au Kam Wah, Mohd Yusop bin Majid, Basali bin Tarireh, and Datuk Gapari J. Kitingan. These visitors were representing the Commonwealth Parliamentary Association of Sabah, Malaysia.

Juhar bin Mahiruddin addressed the Senate with brief remarks.

President Kibbie presented Juhar bin Mahiruddin a gift on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

The Journal of Monday, January 31, 2005, was approved.

### BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 71](#) be referred from the Regular Calendar to the committee on **Appropriations**.

**ADJOURNMENT**

**On motion of Senator Iverson, the Senate adjourned at 8:46 a.m. until 8:30 a.m., Wednesday, February 2, 2005.**

## APPENDIX

### APPOINTMENTS BY THE SENATE DEMOCRATIC AND REPUBLICAN LEADERS

#### IOWA LEGISLATIVE COUNCIL (Iowa Code section 2.41) (Expires 2/1/2006)

\*Michael E. Gronstal, Chair  
 \*Stewart E. Iverson, Jr.  
   \*John P. Kibbie  
   \*Jeff Lamberti  
 \*\*Robert E. Dvorsky  
 \*Larry McKibben  
   \*Jeff Angelo  
 Nancy J. Boettger  
   Joe Bolkcom  
 Thomas G. Courtney  
   Amanda Ragan  
   Mark Zieman

#### IOWA LEGISLATIVE COUNCIL COMMITTEES (Iowa Code section 2.45) (Expires 2/1/2006)

##### ADMINISTRATION

Jeff Angelo, Chair  
 Nancy J. Boettger  
 Thomas G. Courtney

##### CAPITAL PROJECTS

Mark Zieman, Chair  
 \*Jeff Angelo  
 \*Robert E. Dvorsky  
   John P. Kibbie  
   Larry McKibben

##### FISCAL

\*Jeff Angelo, Chair  
 \*Joe Bolkcom  
 \*Robert E. Dvorsky  
   Larry McKibben  
 \*Mark Zieman

##### INTERNATIONAL RELATIONS

Daryl Beall, Co-chair  
 Nancy J. Boettger, Co-chair  
 Dennis H. Black  
 Gene Fraise  
 David Johnson  
 Maggie Tinsman

##### SERVICE

Nancy J. Boettger, Chair  
 Michael E. Gronstal  
 Stewart E. Iverson, Jr.

##### STUDIES

Stewart E. Iverson, Jr., Co-chair  
 Amanda Ragan, Co-chair  
 Nancy J. Boettger  
 Michael E. Gronstal  
 John P. Kibbie  
 Jeff Lamberti

\*Indicates appointment mandated by statute

\*\*Currently serving two statutory appointments

## COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

### DEPARTMENT OF ADMINISTRATIVE SERVICES

Report regarding Evaluation of and Recommendations for the Wallace State Office Building. Report received on January 31, 2005.

### DEPARTMENT OF HUMAN RIGHTS

Long-Range Goals for Iowa's Criminal and Juvenile Justice Systems report, pursuant to Iowa Code section 216A.135. Report received on February 1, 2005.

### IOWA JUDICIAL BRANCH

Report regarding the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to 2004 Acts, [Senate File 2298](#), section 176(8). Report received on January 31, 2005.

## REPORTS OF COMMITTEE MEETINGS

### HUMAN RESOURCES

**Convened:** January 31, 2005, 4:35 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

**Members Absent:** Houser (excused).

**Committee Business:** Presentation by director of the Employment Policy Group Center for Disabilities and Development.

**Adjourned:** 5:00 p.m.

### ECONOMIC GROWTH

**Convened:** February 1, 2005, 1:05 p.m.

**Members Present:** Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, Ragan, Rielly, Shull, Stewart, and Zaun.

**Members Absent:** McKinley and Seymour (both excused).

**Committee Business:** Presentations on Iowa Community College Job Training Program, Iowa Finance Authority, and Iowa Workforce Research and Development.

**Adjourned:** 2:00 p.m.

#### **GOVERNMENT OVERSIGHT**

**Convened:** February 1, 2005, 9:30 a.m.

**Members Present:** Courtney and Lundy, Co-chairs; Connolly and Wieck.

**Members Absent:** None.

**Committee Business:** Presentation by Department of Public Safety.

**Adjourned:** 10:50 a.m.

#### **HUMAN RESOURCES**

**Convened:** February 1, 2005, 2:10 p.m.

**Members Present:** Ragan, Co-chair; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

**Members Absent:** Seymour, Co-chair; and Houser (both excused).

**Committee Business:** Presentation by Department of Public Health.

**Adjourned:** 3:00 p.m.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 1, 2005, 1:05 p.m.

**Members Present:** Black, Co-chair; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

**Members Absent:** Houser, Co-chair (excused).

**Committee Business:** Discussion concerning the deer population in Iowa.

**Adjourned:** 1:25 p.m.

#### **TRANSPORTATION**

**Convened:** February 1, 2005, 2:10 p.m.

**Members Present:** McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Ziemann.

**Members Absent:** Warnstadt (excused).

**Committee Business:** Presentation by Highway 30 Coalition.

**Adjourned:** 2:55 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 1, 2005, 9:35 a.m.

**Members Present:** Putney and Stewart, Co-chairs; McCoy, Mulder, and Ziemann.

**Members Absent:** Dvorsky (excused).

**Committee Business:** Presentations by Secretary of State, director of Ethics and Campaign Disclosure Board, and Legislative Services Agency.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 1, 2005, 9:30 a.m.

**Members Present:** Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

**Members Absent:** Houser (excused).

**Committee Business:** Presentations by Legislative Services Agency and Department of Natural Resources.

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 1, 2005, 9:30 a.m.

**Members Present:** Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

**Members Absent:** None.

**Committee Business:** Presentation by Department of Management.

**Adjourned:** 10:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 1, 2005, 9:40 a.m.

**Members Present:** Hatch and Tinsman, Co-chairs; Bolckcom, Johnson, Ragan, and Seymour.

**Members Absent:** None.

**Committee Business:** Presentations by Department of Public Health and Community Care of North Carolina.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 1, 2005, 9:35 a.m.

**Members Present:** Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

**Members Absent:** Iverson (excused).

**Committee Business:** Presentation by Legislative Services Agency.

**Adjourned:** 10:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 1, 2005, 9:35 a.m.

**Members Present:** Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

**Members Absent:** None.

**Committee Business:** Presentation by Legislative Services Agency.

**Adjourned:** 10:10 a.m.

**INTRODUCTION OF BILLS**

**Senate File 93**, by Tinsman, a bill for an act reducing the amounts of pension income and social security benefits that are taxable by the state and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 94**, by Dearden, a bill for an act raising the state minimum hourly wage.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

**Senate File 95**, by McKinley, a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of



administrative rules, and the delegation of rulemaking authority to administrative agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 96](#), by Kibbie and Houser, a bill for an act relating to the sale of gasoline, by providing for ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 97](#), by Dvorsky, a bill for an act to delay the issuance of executions in forcible entry or detention actions for tenancies in manufactured and mobile home parks.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 98](#), by committee on Local Government, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 99](#), by Kreiman, a bill for an act relating to the sale of gasoline, including ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 100](#), by Bolkcom, a bill for an act increasing the scheduled fine for failure to yield to a pedestrian.

Read first time under Rule 28 and referred to committee on **Judiciary**.

## STUDY BILLS RECEIVED

**SSB 1089**      **Commerce**

Relating to the regulation and deregulation of communications services including the determination of comparable services, the consideration of market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing an effective date.

**SSB 1090**      **Commerce**

Relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

**SSB 1091**      **Commerce**

Establishing a health insurance contract administrative fee for health plans of retired state employees.

**SSB 1092**      **Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**SSB 1093**      **Transportation**

Relating to motor vehicle registration fees for certain motor trucks.

**SSB 1094**      **Agriculture**

Providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

**SSB 1095      Ways and Means**

Relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

**SSB 1096      Commerce**

Relating to health insurance premium rate restrictions for small employer carriers.

**SSB 1097      Commerce**

Relating to the regulation and deregulation of retail telephone business services provided by local exchange carriers.

**SSB 1098      Commerce**

Relating to group insurance coverage for mental health and substance abuse treatment, and providing for the Act's applicability.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 77**

ECONOMIC GROWTH: Stewart, Chair; Beall, Behn, Brunkhorst, Rielly, and Seymour

**Senate File 84**

EDUCATION: Brunkhorst and Dvorsky, Co-chairs; Mulder and Wood

**SSB 1089**

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

**SSB 1090**

COMMERCE: Beall and Zieman, Co-chairs; Courtney and Kettering

**SSB 1091**

COMMERCE: Courtney and Wieck, Co-chairs; Beall and Zieman

**SSB 1092**

JUDICIARY: Quirnbach and Ward, Co-chairs; Hancock and McKibben

**SSB 1093**

TRANSPORTATION: Danielson and Putney, Co-chairs; Fraise and Ward

**SSB 1094**

AGRICULTURE: Fraise and Johnson, Co-chairs; Courtney and Putney

**SSB 1095**

WAYS AND MEANS: Dotzler and Zieman, Co-chairs; McCoy and McKinley

**SSB 1096**

COMMERCE: Courtney and Wieck, Co-chairs; McKinley and Rielly

**SSB 1097**

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

**SSB 1098**

COMMERCE: Bolkom and Iverson, Co-chairs; Beall and Wieck

**FINAL COMMITTEE REPORT OF BILL ACTION****LOCAL GOVERNMENT**

**Bill Title:** SENATE FILE 98 (SSB 1058), a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirnbach, Shull, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 2: Houser and Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.